

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

## **ORDER**

Plaintiff, Pravina Desai, commenced this action seeking judicial review of the Commissioner's final decision denying her application for disability insurance benefits. The matter was referred to United States Magistrate Judge Bernard M. Jones. On October 7, 2019, Magistrate Judge Jones issued a Report and Recommendation, recommending that the Commissioner's final decision be reversed and remanded for further proceedings.

The parties have not objected to the Report and Recommendation within the time prescribed by Magistrate Judge Jones.<sup>2</sup> Moreover, they have not sought an extension of time to object. Consequently, they have waived their right to appellate

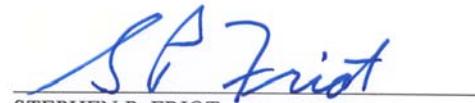
<sup>1</sup> On June 17, 2019, Andrew Saul was sworn in as Commissioner of the Social Security Administration. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Mr. Saul is substituted for Nancy Berryhill, the former Acting Commissioner of the Social Security Administration, as defendant in this action.

<sup>2</sup> Magistrate Judge Jones apprised the parties of their right to object to the Report and Recommendation by October 21, 2019 and that a failure to make timely objection waives the right to appellate review.

review of the factual and legal determinations. Vega v. Suthers, 195 F.3d 573, 579 (10<sup>th</sup> Cir. 1999); United States v. One Parcel of Real Property, 73 F.3d 1057, 1059, 1061 (10<sup>th</sup> Cir. 1996).

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Bernard M. Jones (doc. no. 18) is **ACCEPTED, ADOPTED** and **AFFIRMED**. The final decision of defendant, Andrew Saul, Commissioner of the Social Security Administration, denying plaintiff, Pravina Desai's application for disability insurance benefits is **REVERSED** and **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Judgment shall issue forthwith.

IT IS SO ORDERED this 23<sup>rd</sup> day of October, 2019.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE